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International Organisations and Terrorism. Multilateral Antiterrorism Efforts, 1960–1990

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ABSTRACT

This article examines early antiterrorism negotiations within international organisations (IOs) and their outcomes. It assesses how international cooperation emerged in specialised, regional, and global IOs and provides a long-term overview from the 1960s until the late 1980s. Drawing on primary sources and scholarly literature, this article identifies the patterns, trends, and key characteristics of the successfully adopted measures. It demonstrates that early multilateral antiterrorism efforts faced several obstacles (sovereignty, national interests, mistrust, and geopolitics), and, therefore, international negotiations fared better when following a piecemeal approach within specialised or regional organisations, where the focus could be on specific aspects of terrorism (e.g., hostage-takings). A key characteristic of the successfully adopted antiterrorism instruments was the *aut dedere aut iudicare* principle, which allowed states to maintain perceptions of sovereignty by either extraditing or trying a suspect. The antiterrorism efforts examined here were mostly preventative in design and worked to discourage future terrorists by ensuring that safe havens were closed and that perpetrators faced justice. The shift to suicide terrorism in the 1990s would instead require new international antiterrorism efforts to focus on pre-emptive strategies, depriving terrorists of the means to carry out attacks. The roots of these measures were laid in the 1980s.

KEYWORDS

International organisations; terrorism; multilateral cooperation; antiterrorism; United Nations

Introduction

Terrorism has long been a concern for the international community. When terrorists cross borders to plan or commit their acts—as happened for instance during the attacks in Paris in November 2015—states have to find ways to deal with these challenges that transcend their own territory and immediate control. This raises questions of cooperation and collaboration but also touches on national interests, mistrust, rivalry, and sovereignty. Devising international antiterrorism efforts is often a cumbersome and lengthy process that sometimes does not lead to any tangible results. The United Nations (UN), for instance, has been trying to develop a comprehensive convention against terrorism since the early 1970s, but even in 2021 this goal remains elusive. Today, just as much as in the 1970s, concerted international action to counter terrorism remains a challenging endeavour, but some results have been achieved.

This article will offer an historical assessment of early international antiterrorism measures across the globe. The time span will cover the most proliferate and formative period in early international antiterrorism efforts, the mid-1960s to the late 1980s. With the escalation of international terrorism in the late 1960s, this issue started to emerge on the agendas of international organisations (IOs) and the first antiterrorism efforts were designed (for instance, at the International Civil Aviation Organization (ICAO)). This provides

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a neat starting point for this study.¹ As terrorism is political in nature, so are the responses to it. These efforts are overshadowed by geopolitics and the end of the Cold War will provide a suitable end point for this article, as this watershed moment meant that powers and power dynamics shifted significantly within the international arena and within IOs. Moreover, in the 1990s, there was also a noticeable transition in the nature of terrorism itself, away from—to borrow David Rapoport's periodisation—the New Left or social-revolutionary period of the Red Brigades and Red Army Faction towards the Religious wave, as symbolised by Al Qaeda and the proliferation of suicide terrorism. These developments, this article will argue, also meant a change in the nature of antiterrorism efforts, away from a punitive/preventative approach towards a pre-emptive one, making the early 1990s a suitable end point for this study.

This article has a twofold mission. First, it provides an overview of the attempts of IOs (loosely understood) to counter terrorism. The IOs and their efforts will be grouped into three categories: specialised, regional, and global organisations. This categorisation will also provide some more conceptual clarity on what type of organisation could provide specific results rather than stalemates or mere declarations of intention.

Second, this article will explore the outcomes of international antiterrorism negotiations. It will discuss the problems that were encountered while conducting these negotiations as well as the compromises that were reached to overcome any challenges. The *aut dedere aut iudicare* (ADAI) principle—the obligation either to extradite or to try an alleged offender—is of the essence here to explain how compromises were reached when national positions clashed. Exploring what measures were developed in these three decades of dedicated international antiterrorism efforts, as well as assessing them, will be the empirical and analytical leitmotif of this text. However, this article deliberately does not discuss the “successes” or efficiency (or not) of the results of negotiations. As scholars of antiterrorism efforts know well, it is difficult to assess successful outcomes of policies with the limited amount of information available. This is certainly true for international efforts. While it might be possible to scrutinise a plethora of national archives and primary sources deriving from terrorists (as to their motivations, plans, and actions) to determine the impact of international antiterrorism efforts on acts of terrorism, this would be beyond the scope of an article. But this study could perhaps serve as a point of departure for such an endeavour in the future. Consequently though, this article is more concerned with the successful conclusion of negotiations, meaning that organisations and states agreed on a legal text (a convention, for instance) or on a public statement implying determination and further action, just as much as follow-up cooperation and collaboration as such.

Two vital terms need to be defined. In international politics, just as in scholarship, there is no consensus or standard definition of “terrorism.” There certainly was none in the period under consideration here. Various political actors defined it in ways most beneficial to their own interests (a concept best captured by the infamous phrase of “one man's terrorist is another man's freedom fighter”) and IOs themselves, even today, often struggle with defining “terrorism”; sometimes they define the phenomenon without really defining it at all.² This politicisation of the term makes any political definitions advanced in that period suboptimal as defining parameters for this study; especially so as this article will show just how politicised the term actually was in the era under consideration. As for scholarship, a large corpus of literature exists on the definitional debate, yet no standard definition has yet emerged. The working definition used in this article is synthesised from various definitions used in the literature.³ Therefore, for the purpose of this article, “terrorism” will be understood to consist of acts or threats of violence committed by non-state actors for political motives in order to communicate political demands not just to the victims of the attacks but to a broader audience including national governments. To qualify as “international terrorism” these acts had to concern at least two states, either by the nature of the attacks, the demands made, or the actors involved. Certainly, state terror, due to the enormous resources available to states, has affected more victims and caused more harm than all acts of non-state terrorism combined across history. Yet because of the completely different power dynamics at play in state terror, including it in this piece would go beyond the remits of a single article, important as it is.

“International organisations” is another key term to define. While various definitions exist,⁴ defining IOs remains a thorny endeavour because of the multitude of entities that populate the international arena. As the focus here is empirical rather than conceptual, this article will assume a loose understanding of the term as a working definition: it will look at IOs as frameworks where several states come together somewhat regularly (rather than for bilateral visits), either in a loose setting (such as the Group of 7 (G7), which was understood to be something other than just multi-lateral ad hoc consultations) or a more institutionalized one (for instance with a charter, a permanent secretariat and staff, a seat, dedicated buildings, and an assembly) to address specific issues (e.g., security, economics, environment, aviation, security politics, or a regional agenda). The emphasis here lies on governmental IOs—so the coming together of states. While it would have been interesting to look at the impact of international non-governmental organisations (INGOs) or non-state actors (pressure groups for instance) on antiterrorism efforts, this would be beyond the remit of a single article albeit an issue that is still in need of better research. This definitional approach allows for a more holistic picture of antiterrorism efforts negotiated within international fora and thus extends to standard IOs, such as the ICAO, just as much as to non-institutionalised ones such as the G7 or the Club de Berne. It is the particular intention of this study to look not just at the “big” and well-studied IOs, such as the UN or European efforts. To provide a diverse, holistic, and global overview, smaller and understudied non-European IOs were deliberately included. This inclusive approach is a key feature of this article and underscores the extent to which terrorism has affected various kinds of international cooperation in different settings and parts of the globe in the three decades before the end of the Cold War. The one obvious exclusion is the North Atlantic Treaty Organization (NATO). This study is concerned with non-military responses to terrorism and for this reason, NATO was not included.

The space restrictions of this article do not allow for a detailed assessment of every effort or IO. And this is not its purpose. Rather, the long-term genesis of the involvement of the international community in antiterrorism efforts, its patterns and trends that transcend individual institutions, will be exposed here. Such a long-term assessment makes lasting challenges visible and consequently also offers some insights into the limits of global antiterrorism cooperation. In a nutshell, this article is concerned with the bigger picture rather than an exhaustive study of every organisation’s efforts.

Drawing on secondary literature, extensive archival research (especially in West German archives as the country was a keen observer of such efforts), and primary documents from national governments and IOs, this article will address a gaping lacuna in historical scholarship on IOs by offering a novel, empirically informed overview of how the international community responded to terrorism in the last three decades of the Cold War. The article will also tackle the lack of clarity on the role and benefits of various types of IOs and it will shed some light on less well-known organisations. In studying this important period in IO antiterrorism efforts, this article not only accomplishes the major goal of providing an historical account, but it can also serve as the basis for further empirical, conceptual, and theoretical work.

Specialised organisations

After the end of World War II (WWII), a new international system emerged as the League of Nations (LON) gave way to the UN and the old Eurocentric world order was replaced with a bipolar international system. Yet in this world of change, terrorism remained a constant. Initially, however, it was a local or regional concern. Most terrorism acts during the first two decades after WWII, whether committed in Mandate Palestine, Algeria, or elsewhere, were only of immediate concern to the people living in the territories and the government controlling them, but not a primary topic for international affairs. This changed in the late 1960s when international air traffic became a favourite target of terrorists.

While skyjacking was not a new phenomenon,⁵ the goals behind it changed in 1968. With air traffic surging, Palestinian terrorists realised that by abducting planes they could get a significant number of hostages and attract global news coverage while not being trapped in one place. Since terrorism feeds off attention, this was a serious advantage. The number of hijackings rose hugely and while many of these crises were not terrorist in nature, the issue of skyjackings gained international attention.⁶

Therefore, after the El Al hijacking in 1968, UN Secretary General U Thant called on states to take decisive action against the “reprehensible act” of hijacking. The Council of Europe (CoE), the International Air Transport Association and the International Federation of Airline Pilots’ Associations supported him.⁷ All of these institutions saw the ICAO as the organisation with the primary responsibility for action.⁸ This was not surprising, as the ICAO was founded because the “abuse [of international civil aviation] can become a threat to the general security.” Consequently, the ICAO’s mandate was to ensure that “international civil aviation may be developed in a safe and orderly manner.”⁹ The ICAO had, in fact, already been working on hijacking conventions. In 1963, it adopted the Tokyo Convention. Terrorist hijackings were not yet part of these negotiations, but they encompassed all offences on board aircraft, including hijacking. Importantly, the convention only applies to international flights and only to acts committed when the plane was “in flight,” i.e., between the moment “embarkation begins until the moment when disembarkation is completed.” Planes that were parked at an airport would not be covered.¹⁰

Another prominent issue was criminal jurisdiction.¹¹ The Tokyo Convention marks the birth of one of the most important, if not *the* most essential, principle of international antiterrorism conventions: the ADAI rule. This rule came to be an integral part of most subsequent international antiterrorism conventions. It stipulated that a person accused of a crime according to the convention would have to be extradited to a state wanting to try it (*aut dedere*) or, failing that, would have to be tried by the state denying extradition (*aut iudicare*). This clause was the result of extensive discussions. It was considered necessary to ensure that no offender could escape punishment, to prevent safe havens, and thereby to discourage further hijackings. Thus, while the principle was punitive in nature, it was preventive in design. However, the clause was watered down: the principle only referred to bilateral extradition treaties and did not create a duty to extradite in its own right (e.g., Article 16, paragraph 2).¹² Yet, it still marks an important milestone in the evolution of international responses to terrorism though, because of the impact it would have on future treaties. While the negotiation of the convention was difficult, the real challenge laid in the ratification process, which did not produce a sufficient number of ratifications to allow the convention to enter into force until 1969.¹³

As was shown above, the 1968 El Al hijacking and its implication that skyjacking had become a tool for terrorists caused global concern.¹⁴ The Israeli response to the hijacking, a military attack on a Lebanese airport, further amplified worries about the international repercussions of terrorist acts. These reasons explain the above-mentioned calls for the ICAO to deal with hijackings as a matter of urgency.¹⁵ Another assault on an El Al plane, at the Zurich airport in February 1969, proved that what had happened in 1968 was not a one-off crisis. This event underscored the gravity of the threat and the UN Security Council subsequently put the incident on its agenda. During the debate, the U.S. representative found general approval when he suggested that the ICAO should deal with the matter rather than the Security Council. This was an attempt to deescalate international tensions, achieve timely results, and remove the debate on hijackings from the explosive Israel-Palestine context.¹⁶ This episode highlights two important observations on international efforts against terrorism. For one, it explains why specialised (or regional) organisations, with a more limited membership than the UN, were often preferred loci for developing practical measures. As they had a more restricted field of competency, these organisations could often remove the negotiations from the general, politicised debates on terrorism and focus on specific technical aspects of terrorism. This enabled them to develop limited but feasible instruments, rather than having to discuss the whole notion of terrorism—its politics and its causes—*ad infinitum*. Second, the statement underscores the desire by (Western) governments to disconnect the manifestations of terrorism—such as hijackings—from their (geo) political and underlying context, and especially to detach them from the Israel-Palestine conflict.

Western diplomats were well aware that if terrorism was directly connected to the Palestinians, Arab states would, by default, be reluctant to condemn it.¹⁷ These were the two leitmotifs that underpinned multilateral antiterrorism efforts, in many organisations, for at least a decade.

Against this backdrop, the ICAO heeded the calls to develop further instruments against hijackings: The Hague Convention (1970) and the Montreal Convention (1971) addressed some of the shortcomings of the 1963 Tokyo Convention. Indeed, while the latter was considered the first international step to address the issue of aviation terrorism, it did not provide a definition of the crime or clarity on extradition processes.¹⁸ The two subsequent conventions took a more stringent approach, for instance, by requiring states to impose severe penalties for hijacking and further tightening the ADAI obligation. They were also the first global (and not just regional) instruments to explicitly deal with an aspect of terrorism. The ICAO is hence the birthplace of modern (that is post-WWII) global antiterrorism efforts. Yet despite this success at adopting conventions, some governments (especially the US) were worried about the lack of an implementation mechanism to enforce them. Consequently, even before the Hague and Montreal Conventions were adopted, the U.S. was developing plans for a sanctions regime against states that harboured and protected hijackers. Amongst Washington's allies, however, there was very limited enthusiasm for these plans as many states were concerned about the political ramifications, the impact on (the profitability of) their airlines and on bilateral air traffic treaties. These plans were thus shelved.¹⁹ It took ten years for them to resurface at a G7 summit in Bonn in 1978, as will be discussed later in this article.

These developments allow for two more noteworthy observations on these early ICAO efforts to be made: firstly, the leading role of Western states, especially of the US, in setting the agenda; and secondly, the general consensus amongst most states represented at the ICAO to avoid (non-state) interference with international aviation. While non-Western and Socialist countries disagreed on details and clauses of proposed drafts, all of them were in favour of general efforts that would prevent further hijackings. And despite different definitions of terrorism—an issue that was avoided as best as possible during the negotiations—states agreed in principle on the need to protect aviation.²⁰ This pragmatic approach would also surface in other organisations, for instance at the UN during the negotiations of the Diplomats Convention as detailed further below.

Despite these international efforts, terrorist incidents in the air but also at airports²¹ continued into the 1980s. As a result, the ICAO adopted new standards and recommendation regarding unaccompanied baggage as well as two resolutions on aviation security in 1986.²² The first one reiterated the firm condemnation “of all forms of unlawful interference wherever and by whomever perpetrated”²³ and made it clear that violence, no matter how noble the cause, was never condoned. The second resolution, adopted in 1986, addressed the challenges posed by violence at airports, and was triggered by the Rome and Vienna airport attacks in 1985.²⁴ These discussions resulted in the adoption of the Protocol for the Suppression of Unlawful Acts of Violence at Airports in 1988. The protocol extended the Montreal Convention, with its ADAI clause, to acts committed at airports.

The piecemeal approach to international antiterrorism efforts continued to gain traction in other IOs as well. The hijacking of a cruise ship, the *Achille Lauro* in 1985,²⁵ put pressure on the International Maritime Organization (IMO) to act. Initially, the IMO responded by developing technical measures to strengthen port and onboard security, such as Circular 443 from 1986, which dealt with “Measures to Prevent Unlawful Acts Against Passengers and Crew On Board Ships.” Two years later, the IMO went further and adopted the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation as well as the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf. Similar to previous conventions (e.g., the Hague and Montreal Conventions and the UN Diplomats Conventions), the main purpose of this convention was to criminalize attacks against ships (Article 3) and to require states to establish jurisdiction over these acts (Article 6). But more importantly, the convention now also extended the ADAI principle to crimes committed against maritime vessels (Article 10). The Fixed Platforms Protocol dealt with the danger to offshore platforms, especially oil-drilling ones, in order to secure global oil supplies. Important from an analytical perspective here is that although there were

a few threats (e.g., against the Habitat Texaco Platform or Chevron Edith in 1983), none of these oil rigs were actually attacked and the motive behind these threats was non-political (i.e., to extort money).²⁶ The protocol was thus negotiated with the intention of pre-empting a new genre of terrorist acts before they even occurred. This was against the trend, at the time, to develop anti-terrorist instruments in response to, rather than in anticipation of, specific events. The protocol (together with the International Atomic Energy Agency (IAEA) convention addressed below) was the odd one out in international antiterrorism efforts in the 1980s.

Much like the possibility of a terrorist attack on oil platforms—with all their tremendous economic and environmental repercussions—the threat of nuclear (or biological or chemical) terrorist acts (e.g., a dirty bomb) remained an alarming, yet thus far unprecedented, concern for the international community. The notion that nuclear terrorism could be a possible future scenario was understandable in light of the fact that terrorists were very good at exploiting new technologies (for instance airplanes).²⁷ Moreover, the logic of terrorism—to spread fear and to shock—dictates that, ideally, every new terror attack would be worse than (or at least different from) the previous one. So, again, the notion that nuclear, biological or chemical material could be used in a future act was not completely outlandish. Therefore, in October 1977, IAEA members started drafting the Convention on the Physical Protection of Nuclear Material, which was adopted in 1980. Disagreement quickly arose over the exact scope of the convention: should it only apply to nuclear material in international transport or also include nuclear material while in national facilities.²⁸ In essence, this was a question of national sovereignty and the extent to which countries were willing to allow foreign inspections, a deeply sensitive matter considering the national security implications involved. Eventually, the scope was limited to nuclear material while in international transport (Article 2). Far from being comprehensive and all-encompassing, the convention set minimum standards in respect to the transport, theft, and sabotage of nuclear material. In this regard, the convention is a continuation of the piecemeal approach, the trend of avoiding comprehensive conventions and instead focussing on distinct technical problems. Consequently, the convention criminalized the offence rather than mentioning “terrorism” (Article 7) and reiterated the ADAI obligation (Article 10).

As this section showed, sectoral organisations played a critical role in pioneering global anti-terrorism efforts. The piecemeal approach they developed was not a cure-all and states continued to disagree on the scope of efforts to be negotiated, or the very definition of terrorism. Nevertheless, the technical focus of the ICAO, the IMO, the IAEA, and others allowed countries to negotiate some antiterrorism instruments by focussing on the issues at hand, and thereby disconnecting them from the overarching (geo)politics of terrorism. The ADAI principle was of the essence here in order to achieve this goal.

Regional organisations

Another group of IOs also addressed terrorism: regional organisations. As hijackings became more frequent, the kidnapping or assassination of diplomats also proliferated. This occurred especially in Latin America, where (mostly Western) diplomats were abducted to exert pressure on their host governments to abide by certain demands. Most prominent on the list of victims were American officials, but Japanese, West German, British, and Swiss diplomats were also targeted along with non-Western and Soviet officials.²⁹ And while the problem was not only restricted to Latin America (kidnappings also occurred in Spain, Canada, Uganda, Jordan, and Turkey), it remained the hotspot of this form of terrorism.

Therefore, and unsurprisingly, The Organization of American States (OAS) put the issue on its agenda and in 1970, its General Assembly issued a resolution that “condemn[s] strongly, as crimes against humanity, acts of terrorism and especially the kidnapping of persons and extortion in connection with that crime.”³⁰ The resolution went on to “declare that these acts constitute serious common crimes,” called upon members to “adopt such measures as they may deem suitable [...] to prevent and when appropriate to punish crimes of this kind” as well as “to facilitate [...] the exchange

of information that will help in the prevention and punishment of crimes of this kind.”³¹ The Inter-American Juridical Committee was tasked with drafting a convention, and the text of it was sent back to the General Assembly in January 1971. It was adopted in February 1971 after a turbulent round of negotiations that saw six states³² walk out of the discussion in protest of, purportedly, too narrow a scope; and a further three states³³ voted against it or abstained because of the convention allegedly violating their sovereignty. These deep rifts were reflected in the final convention text, which remained ambiguous.³⁴

One of the most serious issues was that of political asylum, which had a long tradition in Latin America. It was enshrined in Article 6 of the convention: “[n]one of the provisions of this convention shall be interpreted so as to impair the right of asylum.” A further concession was made to sovereignty in Article 3, which postulated that “it is the exclusive responsibility of the state under whose jurisdiction or protection such persons are located to determine the nature of the acts and decide whether the standards of this convention are applicable.” But in order to still allow for the prosecution of kidnappers, the convention, much like the ICAO conventions, invoked the ADAI formula in Article 5. The OAS Convention is thus a success story to some extent but also a lesson in how difficult it was to reach a loophole-proof agreement: on the one hand, the OAS members did negotiate and adopt, very rapidly, a convention that, in its preamble, would “strongly condemn acts of terrorism” and provided some mechanism for its prosecution. As such it was a signal of unity against terrorism—and the first time the phenomenon was called that in a convention title (Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion that are of International Significance); even though ultimately the convention dealt with the kidnapping of diplomats only. On the other hand, the dissent that so openly erupted during the negotiations and the loopholes it left for the punishment of the crime meant that, as one contemporary observed, “[i]n political terms, the attempt to create an effective, operating hemispheric alliance to counter diplomatic kidnappings was [...] a disaster.”³⁵ The political differences, widespread distrust, and colliding national interests between states on a highly polarised, and often hostile, continent meant that no further success was possible. The convention, ultimately leaving prosecution of terrorism to the willingness of the signatories, was the only feasible common denominator.

Against this backdrop, it is reasonable to assume that more progress should have been possible between more like-minded states on a (section of a) continent that had had a positive history of integration and cooperation. Yet, Western European states, too, had their problems in developing an extensive legal regime against terrorism. There were two organisations that dealt with terrorism: the CoE and the European Communities (EC). The CoE had a clear mandate to harmonise law amongst European member states, and as such it is no surprise that it also addressed terrorism; but terrorism would not normally fall within the agenda of the EC (which was predominantly focussed on economic integration and prosperity at the time) and thus cooperation here occurred outside of the framework of the European treaties. Both organisations, however, turned their attention towards terrorism in the mid-1970s.

The CoE had already adopted a Convention on Extradition in 1957, but it made an important exemption for extraditing suspects accused of offences “regarded by the requested Party as a political offence or as an offence connected with a political offence.”³⁶ This political offence exception (POE) continued to matter into the 1970s, when, for instance, the West German extradition requests to France for the terrorism suspects Abu Daoud, Klaus Croissant, or later Odfried Hepp, caused controversies.³⁷ Yet, the increase in terrorist attacks in Europe together with the attention that was now paid to terrorism at the UN meant that the CoE, too, turned its attention back to the POE and tried to limit its impact on the prosecution of terrorism. The notion underpinning the efforts here, again, was that if a country refused to extradite a potential terrorist, its authorities had to at least try them in their own courts (ADAI) and thereby prevent terrorists from escaping justice.

A first effort in 1972 only led to meagre outcomes as it merely resulted in a Recommendation (no. 684), which called for a survey of national measures and laws regarding terrorism. This underwhelming result occurred because, at this stage, the Europeans thought the UN was the best place

to develop farther reaching measures.³⁸ As the next section will show, these UN negotiations stalled in late 1972, and so the Europeans turned to their own institutions again in order to deal with terrorism. In January 1973, a committee was charged with examining the legal issues pertaining to international terrorism, especially those related to the POE. But the focus quickly shifted to the UN and its Diplomats Convention. Only once this convention was passed and other UN negotiations reached a stalemate did the CoE measures receive a new impetus from the Council of Ministers in 1974. A working group, consequently, started drafting a convention the following year. In early 1976, a text was produced and centred upon the principle of ADAI, with an emphasis on extradition. A list was also included in the convention (Articles 1 and 2), which itemised offences for which the POE would not apply. States were further obliged to make acts punishable under national law (Articles 6 and 7) and to grant one another judicial assistance (Article 8). While the POE was not completely abolished, its scope was further limited and although states could still refuse to extradite a suspected terrorist, they would now have to try them themselves and ensure that appropriate laws and penalties were in place. France, however, wanted the convention to go even further and vetoed it. A compromise was finally reached that withdrew the French veto and, in exchange, obliged EC members to negotiate another convention within the EC framework. The CoE Convention was adopted in November 1976 and entered into force in August 1978. Reservations made by numerous members further provided some limitations to the expected end of the POE. Consequently, while the CoE ultimately managed to show a united front as well as its determination to tackle terrorism, and while the POE was cut back, it was not completely abolished. This principle, dating back to the 19th century, proved to have a long afterlife.³⁹

In exchange for French acquiescence to the CoE Convention, the EC now turned to terrorism as well. In general, the EC followed a two-pronged approach: one focussed on practical and technical aspects of cooperation (the Trevi group) and another one aimed at negotiating a convention (the Dublin Agreement of 1979). Trevi had its roots in intragovernmental meetings that began in 1971 and were outside the framework of the EC institutions. Upon a proposal from the UK government, in 1976 the EC members set up the Trevi group on different levels (ministerial and on the level of officials), which would normally meet twice a year. Trevi itself was subdivided into five working groups but only two of them—one on measures to combat terrorism (later on including safety of air travel), and one on technical, scientific knowledge and cooperation, and police training—met regularly. The basic role of Trevi was to exchange knowledge, experiences, and information on dealing with terror crises, to establish contact points, and cooperation in case of crises affecting more than one country. As far as these technical contacts were concerned, cooperation worked rather well. In 1979, the EC states also formed the Police Working Group on Terrorism bringing together special branches and counter-terrorism units from the various member states on a regular basis.⁴⁰ To flank this technical level of cooperation and to honour their promise to France in exchange for the adoption of the CoE Convention, in 1976, the EC members also set out to negotiate a legal framework for dealing with terrorism, and extraditions in particular.⁴¹ Much like Trevi, these negotiations took place outside of the mandate and framework of the European treaties and institutions.⁴²

These discussions soon became cumbersome. Officially, the argument ran that the CoE Convention came with qualifications and reservations so the even more like-minded EC members should more easily, and more quickly, reach an agreement and implement a convention without loopholes. This turned out to be rather tricky, however, and antiterrorism fatigue quickly took its toll. Not least so because many members only engaged in these negotiations at all as a concession to France and not out of conviction in the usefulness of the enterprise.⁴³ French efforts to broaden the mandate of the negotiations and to set up parallel negotiations for a common legal area further amplified this problem. Ultimately, the EC members adopted an agreement in Dublin in 1979. While the members also paid lip service to the French desire to continue negotiation for the common legal area, this was something that really only materialised with the Maastricht Treaty of 1992. However, despite the efforts that went into it, the Dublin Agreement never entered into force as by the late 1980s all EC members had ratified the CoE Convention, thereby rendering the Dublin Agreement redundant.⁴⁴

As can be seen, in the early years of regional cooperation, some small-scale, sectoral conventions were successful as long as they attended to very clearly described problems such as extradition. But even then, allowances had to be made for sovereignty and the formula to square this circle was again the ADAI notion: if a state was not willing to extradite a suspect, at least it had to submit them to its own courts. This was not an ideal solution, but it was the only one practicable. Even amongst similar and like-minded states such as the EC members—and even between France and West Germany—cooperation on the prosecution of terrorists was overshadowed by concerns about sovereignty and remnants of mutual distrust. This necessitated a backstop, which they found in the ADAI principle. However, the case of Trevi shows that some limited success on technical issues and cooperation was still possible as long as it did not restrict states' general freedom of action. Gathering and exchanging information and best practices was welcome, but legalising (and thereby institutionalising), ultimately political, decisions (such as extradition requests) and taking them out of the hands of political decision makers was a step too far for European states in the 1970s.

Another field of cooperation was that of intelligence. In 1969, Western European states set up an informal forum for the exchange of information and intelligence on terrorist groups as well as experiences in counterterrorism. The Club de Berne consisted of senior officials of national security and intelligence agencies and met twice a year. They also established a communication network, Kilowatt, in 1971 as an early warning system with intelligence pertaining to Palestinian terrorists. The same year, Israel, the US, and other non-EC members also joined the network. The Club de Berne is still in existence today and this long and successful level of cooperation can be explained by the secrecy around this mode of assistance. Yet, again, the technical nature of cooperation also helped, as meetings were held on the officials—and not political—level. Consequently, trust could be built over time and personal connections, which are essential in any form of intelligence cooperation, could be forged and maintained. The non-involvement of politicians also allowed the Club de Berne to remain somewhat “above politics,” focussing instead on the day-to-day business of counterterrorism.⁴⁵

The Conference on Security and Cooperation in Europe (CSCE) was another entity concerned with terrorism, but it only dealt with terrorism in the margins. Its prime objective was to maintain intra-state peace, and foster cooperation across the Iron Curtain. Still, Article VI of the Helsinki Final Act of 1975 postulated that the participating states “will, inter alia, refrain from direct or indirect assistance to terrorist activities.” This set a basis for terrorism to be a future agenda item for the CSCE. Further plans to involve the organisation in antiterrorism efforts were a consequence of the hijacking of the Lufthansa jet *Landshut* in October 1977 and the fact that Western governments were—rightly—concerned that terrorists might retreat to the Socialist countries to hide.⁴⁶ West Germany in particular tried to involve Eastern Europeans in antiterrorism cooperation and, at the CSCE follow up conference in Belgrade in 1977–78, Bonn wanted the final communiqué to also include a paragraph on terrorism. CSCE members were supposed to grant each other assistance in hijacking crises, and to support a (West German) anti-hostage-taking initiative at the UN.⁴⁷ Nevertheless, subsequent negotiations about the paragraph were more difficult than anticipated and the Western Europeans' antiterrorism fatigue noticed elsewhere also extended to the CSCE. Eastern Europeans were equally reluctant to discuss terrorism as they did not deem the CSCE to be the right forum for this issue and stressed their conviction that the UN would be a more suitable organisation for it.⁴⁸ Consequently, in the concluding document of the Belgrade meeting, the terrorism clause did not appear. The text only stated that “[c]onsensus was not reached on a number of proposals submitted to the meeting.”⁴⁹ In light of the different nature of the matters addressed by the CSCE—human rights and peace in Europe, which were the cornerstones of the détente process—terrorism was not allowed to further burden the already busy agenda.⁵⁰ At least in the 1970s, terrorism remained very much a side show for the CSCE.

In addition to European and American countries, Asian states also attempted closer cooperation in fighting terrorism. In the late 1970s, Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan, and Sri Lanka began discussing the creation of a regional organisation to foster integration and promote regional cooperation. In December 1985, the South Asian Association for Regional Cooperation (SAARC) was founded as an intergovernmental entity dedicated to “promot[ing] active collaboration

and mutual assistance in the economic, social, cultural, technical and scientific fields”⁵¹ but members did not extend its scope to political or security matters.⁵² However, due to the proliferation of terrorism in the region, especially in Sri Lanka, the SAARC could not ignore this topic either.⁵³

During the Kathmandu summit of 1987, terrorism was added to the agenda and the states agreed to cooperate. They adopted the Regional Convention on the Suppression of Terrorism and also reiterated their commitment to fighting terrorism in the Kathmandu Summit Declaration. The basic notion behind the convention was similar to the European and OAS treaties: it wanted to reign in the POE so that it would not apply to certain “terroristic” acts. To that end, Article 1 provided a positive list and defined the crimes to which the convention would apply. Article IV makes mention of another familiar concept, ADAI: If a state “does not extradite that person, [it should] submit the case without exception and without delay, to its competent authorities [which] shall take their decisions in the same manner as in the case of any offence of a serious nature under the law of the State.” This clause shows the global reach the ADAI formula had achieved by the late 1980s, as it was now present in all regional antiterrorism agreements.

Mirroring developments elsewhere, the duty to extradite was, however, limited by several qualifications in the treaty. Most importantly, Article VII ruled that “Contracting States shall not be obliged to extradite, if it appears to the requested State that by reason of the trivial nature of the case or by reason of the request for the surrender or return of a fugitive offender not being made in good faith or in the interests of justice or for any other reason it is unjust or inexpedient to surrender or return the fugitive offender.” Yet, the state was still obliged to try the person. Therefore, in theory, the convention ensured that a terrorist would face a judge either where they were apprehended or in the country to which they were extradited. The Kathmandu Declaration gave further impetus to the antiterrorism moment, by expressing the states’ “unequivocal condemnation of all acts, methods and practice of terrorism as criminal and expressed their abhorrence of their impact on life and property, socio-economic development, political stability, regional peace and cooperation.”⁵⁴ The convention entered into effect in 1988 after all members had ratified it. It was another show of regional unity on the issue of terrorism.

Unfortunately, consecutive summits in the 1990s and 2000s lamented the lack of progress in the harmonisation of terrorism laws (and definitions) amongst the member states.⁵⁵ While the legal texts were agreed upon, actual implementation and cooperation did not follow. The Colombo summit in 1990 also established the Terrorist Offences Monitoring Desk, which was to implement the convention, but it had few results.⁵⁶ In spite of the ambitious goals of suppressing terrorism, due to regional rivalries—most importantly between India and Pakistan—“[t]he actual state of cross-border cooperation against terrorism and crime within the SAARC region [...] is a far-cry from the declared policy.”⁵⁷ Despite the lip service paid to multilateral assistance, if any cooperation occurred at all, it was bilateral in nature.⁵⁸

These examples show that regional organisations were involved in the global legal battle against terrorism. These efforts also demonstrate that states were aware of the pitfalls of regional cooperation, most importantly in the form of the POE, and attempted to overcome them. Yet despite high ambitions, the nitty-gritty of these negotiations proved tricky, and many existing gaps could not be completely filled. While all of the above-mentioned conventions restricted the likelihood that terrorists could walk away freely from a crime, they nevertheless left some wiggle room for states when it came to extradition. The important development here was that even if extraditions were rejected, the states still had to try suspects and ensure these serious crimes would attract severe penalties. Whether states would actually abide by their legal obligations was another matter entirely. On a more positive note, this section shows that technical, practical cooperation was more constructive as Trevi or the Club de Berne demonstrate. While they, too, left room for improvement, they proved that on less politicised levels of direct cooperation between agencies, results could be achieved.

Global organisations

The global organisation, the UN, sprang into action on terrorism as well. As with the other efforts discussed here, the balance sheet of its activities is mixed. The UN did produce some results (the Diplomats Convention (1973) and Hostages Convention (1979), which will be detailed shortly), but it never achieved its ultimate goal of successfully adopting a Comprehensive Convention Against Terrorism. At the beginning, though, the negotiations for the latter convention were promising. In the aftermath of the Black September attack on the Israeli athletes at the Munich Olympics in 1972, the time seemed ripe for the UN to attend to terrorism in general, not just hijackings. UN Secretary General Kurt Waldheim called for the organisation to take action and so did U.S. President Richard Nixon. Agenda items were submitted to the UN General Assembly (UNGA) by both and were soon merged into one, but the presumed unity soon vanished. As the motivation for these efforts derived from the Palestinian attack, the discussions were quickly dragged not only into the Israel-Palestine conflict but also into the wider debates on decolonisation, and the instruments that national liberation movements (NLM) had at their disposal to legitimately rid themselves of foreign occupation.⁵⁹ As many newly independent countries in the Third World, most prominently Algeria,⁶⁰ had emerged from a struggle that involved the use of terrorism, they were reluctant to delegitimise it. The debates on the Comprehensive Convention dragged on for years and no results were achieved by the end of the 1970s. The Ad Hoc Committee on Terrorism that was established to forge a coherent and comprehensive approach to countering terrorism was in a gridlock by 1979.⁶¹ There were a number of UNGA resolutions that emerged as a result of compromises reached within the Committee (e.g., UNGA Resolution 36/109 or Resolution 38/130) as it gradually came to terms with condemning terrorism; but a definition of terrorism remained absent. The matter of a Comprehensive Convention was thus put to rest until the UNGA undertook explicit efforts in Resolution 54/110 in 1999. In light of the absence of any consensus on a definition of terrorism and the consequently low likelihood of agreeing on a Comprehensive Convention, over the years, focus shifted towards a step-by-step criminalisation of specific terrorism-related offences. This approach would allow the UN to circumvent the complexities regarding definitions and would avoid, or at the very least mitigate, broader debates on the legitimacy of the use of violence in certain circumstances.⁶²

In the 1970s, crime-specific UN efforts were more successful, mostly because they followed a piecemeal approach and concentrated on specific aspects of terrorism rather than the problem in its entirety. The Diplomats Convention of 1973 was negotiated in a very short time and was a response to the aforementioned proliferation of attacks against diplomats, mostly in Latin and South America.⁶³ Its underpinning motivation was to ensure that states could go about their diplomatic business undisturbed and to protect their diplomatic agents—prime targets of terrorism because of their symbolism as representatives of a state—as much as possible. The convention stipulated that the murder or kidnapping of internationally protected persons (diplomats) and attacks against diplomatic premises were not acceptable and that offenders should not escape with impunity. Thus, negotiating parties invoked the ADAI principle to violence against diplomats, closing the loophole for terrorists to escape justice. There was an unusual show of unity at the UN on this topic, although it was not entirely surprising, as most states agreed that diplomats should be protected (possibly also because those negotiating the convention were diplomats as well, and their heads of governments and ministers would enjoy diplomatic status while being abroad too). Furthermore, there was an interest in this topic that crossed blocs as countries from all around the globe were affected by assaults on their diplomats as has been shown above. In essence, UN members drew a line about their quarrels on terrorism, when the latter was threatening to affect intra-state affairs; diplomacy was too delicate a business to be disturbed by terrorists. To confirm this observation, in following years, the UN Security Council, too, would deal with terrorism when there was a perception that it would endanger peace or international relations.⁶⁴ In general though, until the end of the Cold War, the UNGA played the dominant role in devising antiterrorism measures while the Security Council only concerned itself with specific crises

(such as Entebbe in 1976, or when a veto power was concerned as with the Libya-sponsored attacks on U.S. citizens in the mid- and late 1980s). After the Cold War, this would change and the Security Council would play a much more prominent part in the UN response to terrorism.⁶⁵

Once the Diplomats Convention was adopted in 1973, the UN soon turned to another convention project. Fuelled by a growing number of terrorist hostage crises, the West German government proposed a new agreement that would cover hostage situations not involving diplomats but ordinary people. The Germans were optimistic that the Diplomats Convention was a positive milestone and with terrorism increasingly turning against non-Western countries as well, Bonn hoped that progress might be possible on their project as well. Yet, the speedy success of the Diplomats Convention could not be replicated, and it took the UNGA, its Sixth (Legal) Committee and various working groups almost until the end of the decade to agree on and adopt the Hostages Convention.⁶⁶ The bones of contention, much like in the debates on a Comprehensive Convention, centred around the notion of allowing certain acts of terrorism when committed by NLM. The absence of any other means of resistance available to NLM was deemed serious enough by some states to make allowances for this. This would also mean that citizens of certain states would be considered “innocent” and others, such as Israelis, “guilty” victims, against which hostage operations could be conducted. Western states pushed back hard on this notion and no breakthrough seemed possible for a while. Ultimately, small negotiation groups managed to agree on compromises that were acceptable to the majority of UNGA members. They, again, followed a problem-centred (or sectoral) approach, which disconnected the manifestations of terrorism (hostage-taking) from its political context (e.g., self-determination). The notion of “guilty victims” was dismissed completely and the issue of national liberation was circumvented by underscoring that the convention applied to acts of hostage-taking in peacetime only and that crises occurring within the context of armed conflicts would be covered by International Humanitarian Law including the recently adopted 1977 Additional Protocols to the Geneva Conventions. With these obstacles removed, the Hostages Convention was finally adopted.⁶⁷

Like others before it, the convention is built around the sectoral approach and the ADAI principle. To safeguard national sovereignty, states were not under an absolute obligation to extradite culprits but could, instead, try them in their own courts. The notion behind this was a familiar one by now: that no hostage-taker was to escape justice and that safe havens, encouraging terrorists to commit hostage crises in the future, would be abolished. The punitive and thus preventative nature of the convention is the same as with previous antiterrorism efforts within IOs. The 1970s thus ended on a positive note for the UN. Two conventions were adopted, but the ultimate goal of the Comprehensive Convention was as elusive as ever; and still remains so today.

In the meantime, the UNGA continued its practice of adopting resolutions. While these are recommendations only, and consequently one might argue that they hold limited weight, they are still an indication of a global opinion on international issues. In 1985, the UNGA adopted Resolution 40/61 and in doing so, for the first time, “[u]nequivocally condemn[ed], as criminal, all acts, methods and practises of terrorism wherever and by whomever committed, including those which jeopardise friendly relations among States and their security.”⁶⁸ Member states, however, remained reluctant to close all loopholes for NLM and continued to emphasise the right of people to seek self-determination,⁶⁹ as some countries (e.g., Namibia) continued to struggle for independence. Yet, continuing instances of terrorism (e.g., the April 1983 bombing of the U.S. embassy in Lebanon, the October 1983 bombing of Marine barracks in Beirut, and the hijacking of TWA Flight 847 in 1985), made it more and more difficult for countries to legitimize the use of terrorism. This acknowledgement is also evidenced in the change of title of the UNGA agenda item away from “Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes” to simply “measures to eliminate international terrorism.” This alteration underscored the growing conviction within the UNGA that terrorism should not be allowed, no matter what its causes.⁷⁰

Another global entity—in terms of scope and membership—also addressed terrorism: The G7. It was founded in 1975 to coordinate the economic policies between major economic powers in the aftermath of several severe crises—the end of the Bretton Woods system in 1971 and the oil crises of 1973/74. In 1978, the heads of governments of the seven most economically advanced Western countries⁷¹ met in Bonn for their fourth G7 meeting. The purpose was mostly to discuss macro-economic issues, but political questions quickly crept into the talks as well. The host of the G7 summit, West Germany, had recently gone through a dreadful hijacking crisis—the abduction of the Lufthansa *Landshut* plane—during the “German Autumn” of 1977. With the memory of this crisis still fresh on everyone’s mind, the G7 members were keen to make a show of unity with their Bonn summit in June 1978, and to condemn terrorism, and especially hijackings. To do this, the old plans for an implementation mechanism for the ICAO conventions were undusted.⁷² The G7 members issued a Bonn Declaration that threatened those in negligence of their obligations under the ICAO conventions with an airline boycott.⁷³ Seeing how the G7 members’ airlines accounted for roughly two thirds of international air traffic at the time, this was a serious threat as the targets of these sanctions would—de facto—be shut off from global travel. The underlying motivation was that if the ICAO conventions got some teeth, states would be more willing to abide by them and try or extradite hijackers.⁷⁴ This, it was hoped, in turn would dissuade terrorists from abducting planes to begin with—a manifestation of the preventative notion underpinning all antiterrorism efforts at the time.

Yet while the message was clear, cracks soon appeared in the united G7 front. In follow-up meetings the states could not agree on a mechanism for implementing it and the longer the negotiations lasted, the more doubts were voiced. France, for instance, was particularly concerned about the implications this declaration would have on its airline industry and on bilateral agreements and other members agreed. The issue was discreetly moved to the backburner and while the declaration was reiterated at subsequent G7 summits, no formal process and mechanism was ever developed. However, the declaration was evoked twice: against Afghanistan in 1981 and against South Africa in 1981/82.⁷⁵ In sum, the G7 had only nominal success in dealing with terrorism in the 1970s, and the old U.S. plan for a proper implementation mechanism was, once again, relegated to the margins.

Conclusion

The attempts by IOs to tackle terrorism were never without their challenges—or indeed, challengers. IOs were often criticised for inactivity, the watering down of solutions, the lengthiness of decision-making processes, and the often-exasperating balancing act between national interests and common efforts. Many of these problems also extended to the international campaign against terrorism. Yet, from the 1960s onwards, progressively more organisations contributed to this campaign. What started off in the 1960s at the ICAO, spread to other regional organisations, such as the OAS, the CoE, the EC, and to the SAARC in Asia. Global organisations such as the UN or the G7 contributed to these endeavours as well with varying success.

One first, general observation is that piecemeal is not a dirty word. This article shows that narrowly defined antiterrorism projects within specialised or regional organisations tended to fare better than ambitious all-encompassing projects. These clearly defined projects, though often criticised for not going far enough, have built a remarkable international antiterrorism regime. In that sense, specialised and regional organisations might be preferable fora for negotiating antiterrorism efforts, rather than striving for very general and comprehensive conventions. The international antiterrorism regime by the end of the 1980s consisted of several treaties addressing specific aspects of terrorism—such as hostage taking, hijackings or attacks on oil platforms. Anything that went beyond that limited scope—such as the UN Comprehensive Convention—was doomed to fail.⁷⁶ This also meant that the term “terrorism” was hardly ever defined at all, and if it was, it was a very loose definition to fit a broad array of cases. This was a deliberate and very pragmatic approach: by focussing on the actions to be outlawed, rather than the blurry notion of “terrorism” itself, the negotiators tried to avoid political stalemates. As terrorism was—and still is—a contested concept, focussing in matter-of-fact fashion on

specific manifestations of terrorism, such as hijackings or hostage-takings, allowed for some tangible compromises to be reached among states; rather than just paying lip service to the fight against terrorism. It made it possible for states to deal with terrorism without even explicitly mentioning or defining it. The piecemeal or sectoral approach was the key to the successful adoption of such agreements.

Secondly, the ADAI principle evolved into the gold standard to avoid conventions or their negotiations being sucked into the maelstrom of unresolvable (geo)political quarrels. Leaving some leeway to states as to whether they want to extradite a suspect or not, made it possible to uphold the notion of sovereignty. At the same time though, at least in theory (and law), it would ensure prosecution of those suspects, either through extradition (*aut dedere*) or immediate trials (*aut iudicare*).

Thirdly, an important development that has become evident is that states always defend and protect their national sovereignty, even when faced with the somewhat global threat of terrorism. Thus, in the increasingly more globalised 1970s and 1980s, the ancient notion of sovereignty remained largely intact. This reluctance of states to having their hands tied by international conventions is reflected well in the unsuccessful initiatives to reach agreement on more comprehensive antiterrorism conventions. It is for this reason, that the sectoral approach combined with the ADAI principle worked better at achieving results: it restricted cases where states were bound by any sort of automatism to a very select number of scenarios and even then, states had a choice—and the final say—on how to proceed.

This leads to the fourth observation: international antiterrorism efforts in the last two decades of the Cold War were punitive in design—compelling states to try terrorists—but their ultimate objective was preventative in nature. By closing safe havens and ensuring that terrorists—whether they were hijackers, hostage-takers, or assassins—would not escape justice, so it was hoped, further acts of terrorism could be discouraged and prevented. This, of course, only works when someone wants to survive the act and is afraid of spending the rest of their lives in a prison cell. With the advent of suicide terrorism, from the 1990s onwards, this logic no longer applied, and new solutions had to be found. One of them was a shift from a punitive/preventative approach to a pre-emptive one. Rather than punishing terrorists for committing an act, the post-Cold War conventions—not covered in this article for space reasons—aimed to remove the means from terrorists to even carry out their attacks. This trend is quite obvious, for instance, in the Convention on the Financing of Terrorism (1999) but its roots can be traced back to the 1980s: The Convention on the Physical Protection of Nuclear Material of 1979 puts a major emphasis not only on ensuring that perpetrators will face justice (relying again on ADAI in Article 10), but in fact, it focusses on means to ensure that terrorists will never get their hands on the material to begin with (since the first articles of the convention are purely dedicated to safeguarding mechanisms for nuclear material). As this article has demonstrated, however, the root notion to increase security around vulnerable infrastructure and to prevent any acts of violence in the first place goes all the way back to the 1960s ICAO conventions and efforts to strengthen airport and airplane security. This shows that current antiterrorism efforts have their origins in the 1960s and 1970s. History matters.

Many of the fundamental problems that states and IOs face today when designing antiterrorism efforts are still the same as in the past: mistrust between states, concerns about sovereignty, as well as diverging definitions of terrorism and different interests around it. This article thus hopes to make a contribution to practical efforts and academic scholarship today by outlining how these obstacles were addressed in the first decades of international antiterrorism efforts: with the sectoral (or piecemeal) approach, the principle of “extradite or try,” and the punitive/preventative leitmotif, which were the key developments of the first stage of IOs antiterrorism efforts up until 1990. With the end of the Cold War, the geopolitical context changed dramatically, and this affected how IOs operated. Likewise, the rise of Islamist—and suicide—terrorism altered the terrorist challenge. For these reasons, this article stops at 1990. But more extensive studies of consecutive efforts, just as much as of non-governmental actors and their influence on international antiterrorism efforts are worthwhile avenues for future research.

As with most things, there were (and are) no perfect answers for how to deal with terrorism. While more often than not IOs managed to agree on some sort of efforts, these almost always contained certain loopholes (and “reservations”). This is not an observation exclusive to international antiterrorism efforts but it is rooted in the very nature of negotiating highly sensitive policies amongst a variety of actors who are committed to jealously protecting their sovereignty and balancing national interests with geopolitical realities. This meant that in many cases the outcome (conventions, agreements, or protocols) was not as rigid as some negotiators, observers—or in fact victims of terrorism—would have liked them to be. Whether that is a major flaw of these agreements is a matter of opinion: certainly, one can question the amount of time and effort invested in negotiations that nevertheless do not completely remove the problems they addressed.

Yet one can counter that by focussing not only on the outcome but also on the process of negotiations. IOs had an important role to play as fora for conversation, and exchanging information. In IO negotiations, states could learn to understand other states better and to thereby pave the way for more effective instruments in the future. IOs were, hence, important fora for addressing a topic as politically charged as terrorism. They helped to develop better mutual understanding and fewer misunderstandings and thereby made it possible for states’ perceptions on terrorism to converge. This, precisely, allowed the general notion of the impermissibility of terrorism to emerge in the late 1970s and throughout the 1980s. Moreover, IOs developed an increasingly extensive web of legal agreements delimiting—if not defining—“terrorism.” Thus, IOs had—and still have—an important part to play in establishing an international regime that takes away moral sway from the terrorists and their “noble” intentions and further limits the exceptions that allow the offenders to walk away unpunished. This also makes it ever harder for states to shelter terrorists or commission acts of terrorism themselves. This process does not produce quick results, but it might still be effective in the long run. As an example from the past, when Eastern European states provided shelter to wanted Western terrorists during the Cold War, they would do so with absolute discretion and would go through extensive efforts—including plastic surgery for the terrorists—to prevent the discovery of their harbouring of terrorists.⁷⁷ The ever-increasing consensus that terrorism was impermissible made it politically and morally unacceptable to—at least—openly host terrorists. IOs contributed to making this behaviour deplorable.

As discussed above, this article does not aim to assess the effectiveness of the efforts negotiated nor does it offer comprehensive discussions of their successes. The problem with researching antiterrorism is that we will hardly ever know which acts did not take place. When did the threat of prosecution deter potential terrorists? When did intra-state collaboration work at preventing acts of terrorism from even being conceived? Indeed, antiterrorism failures are blatantly public, while the successes are often kept secret in the name of national security. This makes it almost impossible to cast judgment on the ultimate effectiveness of the antiterrorism agreement discussed here. Yet politically and diplomatically they were successes because states agreed on certain efforts, which were adopted and entered into force so that a legal and global anti-terrorist environment could emerge.

The limited space available here did not allow this article to explore many other important issues around these agreements: the obligations they enshrined, the compromises they provoked, and the disputes they nurtured. Nor could it extensively address the impact of geopolitics or civil society and examine IO antiterrorism efforts after the Cold War. One important point to make here, however, is that the compromises that many of these agreements codified—welcome as they were—all too often came at the expense of other important international goods, not least of which were human rights. In fact, and perversely, the deliberate vagueness that was essential to getting states to acquiesce in agreements also offered them the opportunity to exploit them under the antiterrorism banner at the expense of other rights. Brutal regimes, for instance in Latin America in the 1970s and 1980s, were all too eager to disguise their own state terror as counterterrorism. The conflict between human, civil, and political rights on the one side, and antiterrorism efforts on the other, was acute during the Cold War; and it is still ongoing today.

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Notes

1. These were not the first international efforts as states had already assembled in the late 19th century to coordinate antiterrorism responses just as much as within the League of Nations (LON) in the 1930s to design antiterrorism conventions. The latter never entered into force however, and the former occurred in a very different geopolitical context and those efforts will, therefore, not be examined in detail here. However, for more information on them see, for instance, Richard Bach Jensen, *The Battle against Anarchist Terrorism: An International History, 1878–1934* (Cambridge; New York: Cambridge University Press, 2014); Mark A. Lewis, “International Terrorism in the 1920s and ’30s: The Response of European States through the League of Nations and the Attempt to Create an International Criminal Court’, in *The Birth of the New Justice: The Internationalization of Crime and Punishment, 1919–1950* (Oxford University Press, 2014), chap. 6; Charles Townshend, “Methods Which All Civilised Opinion Must Condemn’. The League of Nations and International Action against Terrorism,” in *An International History of Terrorism: Western and Non-Western Experiences*, ed. Jussi M. Hanhimäki and Bernhard Blumenau (London; New York: Routledge, 2013), 34–50; Ben Saul, “The Legal Response of the League of Nations to Terrorism,” *Journal of International Criminal Justice* 4, no. 1 (1 March 2006): 78–102.
2. On the scholarly debate, see for instance the oft-cited work by Alex Schmid, highlighting just how difficult it is to agree on one definition: Alex Schmid, “The Definition of Terrorism,” in *The Routledge Handbook of Terrorism Research*, ed. Alex Schmid (Milton Park, New York: Routledge, 2011), 39–157. The LON, for instance, infamously, and rather uselessly as far as conceptual clarity is concerned, defined “terrorism” by referring to “terror.” Art. 1(2) of the 1937 Convention for the Prevention and Punishment of Terrorism defined it as “criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons, or a group of persons or the general public.” This circular definitional approach has a long afterlife, and even in a Security Council Resolution passed in 2004 (Res. 1566), the LON definition resurfaced when (in operative paragraph 4) “terrorism” is indirectly defined as “criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a *state of terror* in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing any act” (emphasis added). This shows just how difficult the definitional issue is still today.
3. This article draws predominantly on the definitions used by Bruce Hoffman, *Inside Terrorism*, third edition (New York: Columbia University Press, 2017); Richard English, *Terrorism: How to Respond* (Oxford: Oxford

- University Press, 2010); Louise Richardson, *What Terrorists Want: Understanding the Enemy, Containing the Threat* (Random House Publishing Group, 2006). But various other authors made important contributions to this debate, too.
4. See Jan Klabbers, *An Introduction to International Organizations Law* (Cambridge: Cambridge University Press, 2015) and Ian Hurd, *International Organizations: Politics, Law, Practice*, fourth edition (Cambridge: Cambridge University Press, 2020) for a more detailed overview on the discussions relating to definition and categorisation. Also, for a more comprehensive review on the different meanings associated with the term “international organization” see Amici Marco and Cepiku Denita, “Roles, Types, and Definitions of International Organizations,” in *Performance Management in International Organizations*, ed. Amici and Cepiku (London: Palgrave Pivot, 2020), 7–40.
 5. In fact, since the 1950s—and in some instances even before then—individuals had abducted planes in order to flee from one country to another. This was not terrorism, however, as the planes were not abducted to force a government into conceding to political demands but as a means of escape. “Skyjacking” and “hijacking” are used interchangeably here.
 6. For a good and detailed overview of the evolution of hijacking, see for instance Yannick Veilleux-Lepage, *How Terror Evolves: The Emergence and Spread of Terrorist Techniques* (Lanham: Rowman & Littlefield Publishers, 2020).
 7. This remarkable and explicit intervention by these non-governmental organisations representing companies or individuals demonstrates just how pressing the issue of hijacking was at the time. It also illustrates the role that non-state actors played in the evolution of international antiterrorism action. While being a topic that is unfortunately beyond the scope of this article, it certainly needs much more scholarly and historical attention.
 8. See Aufzeichnung, 24.2.1970, B80 922, Politisches Archiv des Auswärtigen Amtes/Political Archives of the German Foreign Office (PAAA); statement by Dr Piet-Hein Houben in the Sixth Committee on 18.11.1969, B80 922, PAAA. See also the relevant documents in B80 922 and B80 922 II, PAAA.
 9. Convention on International Civil Aviation, Signed at Chicago, on 7 December 1944, preamble.
 10. If a plane lands outside of an airport the competences of the captain continue until the authorities of the respective countries assume control.
 11. Report on the Draft Convention, International Conference on Air Law (August–September 1963), doc no. 2, no date, probably autumn 1963, B81 477, PAAA.
 12. *Ibid.*
 13. Bericht der deutschen Delegation über die 16. Vollversammlung der ICAO, no date, probably October 1968, B30 550, PAAA.
 14. On 26 December 1968, El Al flight 253, heading from Athens to Paris and New York, was hijacked by Palestinians to force Israel to release Palestinian prisoners. One passenger was killed and one flight attendant injured, and Israel called it an act of “Arab terrorism,” see cable Moshe Carmel (Israeli minister of transport and communications) to Binaghi, President of ICAO council, 27.12.1968, B30 550, PAAA.
 15. Schnellbrief BMV an das AA, 7.1.1969, B30 550, PAAA. Telegramm AA an Generalkonsulat Montreal, Januar 1969, B30 550, PAAA. Letter BMV an das AA, 20.1.1969, B30 550, PAAA.
 16. Fernschreiben NY an das AA, 21.2.1969, B30 550, PAAA.
 17. Fernschreiben Mission bei den VN an das AA, 21.2.1969, B30 550, PAAA.
 18. Mackenzie David, *ICAO: A History of the International Civil Aviation Organization* (Toronto: University of Toronto Press, 2010), 254.
 19. Vermerk, 25.09.1970, B80 922, PAAA.
 20. For the role of the US, see for instance the collection of documents in the B80 922, PAAA files. For a West German assessment of the Soviet stance during the negotiations, see for instance Aufzeichnung, 23.11.1970, B81 806, PAAA.
 21. Hijackings continued into the 1980s. For instance, in 1985 terrorists hijacked Egyptair Flight 737 to Malta and a few months later terrorists committed coordinated attacks on EL AL ticket counters at the airports in Rome and Vienna. Most dramatically, Sikh extremists bombed Air India flight 182 over the Northern Atlantic, killing 329 passengers in June 1985.
 22. Peter Romaniuk, *Multilateral Counter-Terrorism: The Global Politics of Cooperation and Contestation* (London: New York: Routledge Chapman & Hall, 2010), 47.
 23. *Ibid.*
 24. See for instance David L Glassman, “Keeping ‘The Wild’ out of ‘The Wild Blue Yonder’: Preventing Terrorist Attacks Against International Flights in Civil Aviation,” *Penn State International Law Review* 4, no. 2 (n.d.): 251–74.
 25. Palestine Liberation Front terrorists hijacked the Italian cruise ship in the Mediterranean in 1985 and shot a wheelchair-bound U.S. tourist and threw his body overboard.
 26. See Brian Michael Jenkins, “Potential Threat to Offshore Platforms,” *RAND Cooperation*, (January 1988): 1–5 and Mikhail Kashubsky, “A Chronology of Attacks on and Unlawful Interferences with, Offshore Oil and Gas Installations, 1975–2010,” *Perspective on Terrorism* 5, no. 5–6 (2011): 139–159.

27. For a contemporary assessment of the possibility of nuclear terrorism see for instance Charles Mohr, "U.S. Able to Combat Nuclear Blackmail," *New York Times*, June 11, 1981, A7.
28. International Atomic Energy Agency (IAEA), "The Agency's Activities in the Area of Physical Protection of Nuclear Material and Facilities," *IAEA (GC/INF/178)*, (20 July 1978), 1–4.
29. Non-Western diplomats were also occasionally targeted. In 1971, members of a Croatian terrorist group killed the Yugoslavian ambassador to Sweden, Vladimir Rolović. During the Khartoum embassy siege in 1973, non-Western diplomats including the Soviet ambassador Feliks I. Sevastyanov just barely escaped captivity. But Soviets were also targeted elsewhere, see for instance "Two Soviet Diplomats Injured in Foiled Argentine Kidnapping," *The New York Times*, (30.03.1970), 18; "Shots at Soviet Mission Stir Bitter Debate in the U.N.," *The New York Times*, (22.10.1971), 1, 45. In fact, the Soviets repeatedly asked for better protection of their diplomats in the US, see Memorandum From Secretary of State Rogers to President Nixon, Washington, June 17, 1973; Nixon Presidential Materials, NSC Files, Box 310, Subject Files, Cabinet Committee on Terrorism, September 72–July 73, U.S. National Archives.
30. O.A.S. Document AG/RES. 4 (I-E/70) of June 30, 1970, <https://2001-2009.state.gov/r/pa/ho/frus/nixon/e1/45303.htm>.
31. *Ibid.*
32. Argentina, Brazil, Ecuador, Guatemala, Haiti, Paraguay.
33. Chile voted against it while Bolivia and Peru abstained.
34. Richard S. Brach, "The Inter-American Convention on the Kidnapping of Diplomats Comment," *Columbia Journal of Transnational Law* 10, no. 2 (1971): 393–95.
35. Brach, 394.
36. Art. 3(1) of The European Convention on Extradition of 1957.
37. See for instance Ray Riggle, "L'Affaire Abou Daoud: Some Problems of Extraditing an International Terrorist," *The International Lawyer* 12, no. 2 (1978): 333–50; Thomas Carbonneau, "Extradition and Transnational Terrorism: A Comment on the Recent Extradition of Klaus Croissant from France to West Germany," *The International Lawyer* 12, no. 4 (1978): 813–23; Bernhard Blumenau, "Unholy Alliance: The Connection between the East German Stasi and the Right-Wing Terrorist Odfried Hepp," *Studies in Conflict & Terrorism* 43, no. 1 (2020): 60.
38. Drahterlass an die Beobachtermission bei den VN, 14 September 1970, B30 499, PAAA.
39. For a more detailed negotiation history see Bernhard Blumenau, "Taming the Beast: West Germany, the Political Offence Exception, and the Council of Europe Convention on the Suppression of Terrorism," *Terrorism and Political Violence* 27, no. 2 (2015): 310–30.
40. For a more detailed overview of Trevi see Eva Oberloskamp, *Codename TREVI: Terrorismusbekämpfung und die Anfänge einer europäischen Innenpolitik in den 1970er Jahren* (Boston/Berlin: Walter de Gruyter, 2017); Stef Wittendorp, "Unpacking 'International Terrorism': Discourse, the European Community and Counter-Terrorism, 1975–86," *JCMS: Journal of Common Market Studies* 54, no. 5 (2016): 1243–46; Tony Bunyan, "Trevi, Europol and the European State," in *Statewatching the New Europe: Handbook on the European State* (London: Statewatch, 1993), <https://www.statewatch.org/media/documents/news/handbook-trevi.pdf>.
41. Runderlass, 14.07.1976, Zwischenarchiv 121074, PAAA.
42. Although these institutions, e.g., the European Parliament kept a close eye on them, see Wittendorp, "Unpacking 'International Terrorism'."
43. See for instance Letter BMJ an das AA: Arbeiten im Rahmen der Mitgliedstaaten der EG zur Bekämpfung des Terrorismus, 2 August 1978, B83 1235, PAAA.
44. For a more detailed account, see Bernhard Blumenau, "The European Communities' Pyrrhic Victory: European Integration, Terrorism, and the Dublin Agreement of 1979," *Studies in Conflict & Terrorism* 37, no. 5 (2014): 405–21.
45. For more information on the Club de Berne, see for instance Aviva Guttman, "Combatting Terror in Europe: Euro-Israeli Counterterrorism Intelligence Cooperation in the Club de Berne (1971–1972)," *Intelligence and National Security* 33, no. 2 (23 February 2018): 158–75.
46. On the Landshut hijacking see Bernhard Blumenau, *The United Nations and Terrorism: Germany, Multilateralism, and Antiterrorism Efforts in the 1970s* (Houndmills, Basingstoke, Hampshire; New York, NY: Palgrave Macmillan, 2014), 74–86. Some terrorists would indeed hide in Warsaw Pact countries, see e.g., Adrian Hänni, Thomas Riegler, and Przemysław Gasztold, *Terrorism in the Cold War: State Support in Eastern Europe and the Soviet Sphere of Influence* (I.B. Tauris, 2020); Blumenau, "Unholy Alliance," 47–68.
47. Drahtbericht Botschaft Belgrad an das AA, 18.10.1977, ZA 121072, PA, Drahterlass an die Botschaft Belgrad, 21.10.1977, ZA 121072, PA, Memo Referat 212: Geiselnahme in der KSZE, 31.10.1977, ZA 121072, PA.
48. Drahtbericht Ständige Vertretung bei der DDR an das AA, 08.11.1977, ZA 116376, PA, Memo Referat 212 an D2: Frankreichs Haltung zu unserem Vorschlag zur Geiselnahme [sic] in Belgrad, 13.12.1977, ZA 121072, PA, Memo Ref. 212 Herrn D2Textvorschlag zur Geiselnahme, 09.02.1978, ZA 116376, PA.
49. "Concluding Document of the Belgrade Meeting 1977, 8 March 1978," in *The Conference on Security and Cooperation in Europe: Analysis and Basic Documents, 1972–1993*, ed. Arie Bloed (Dordrecht, Boston: Kluwer Academic Publishers, 1993), 219–224: 220.
50. Memo Ref 212 an Herrn D2: Terrorismus, 19.01.1976, ZA 119485, PAAA.

51. Charter of the South Asian Association for Regional Cooperation, 1985, Art. 1.
52. Michael Arndt, *India's Foreign Policy and Regional Multilateralism*, Critical Studies of the Asia Pacific (Houndmills, New York: Palgrave Macmillan, 2013), 59–75.
53. Arndt, *India's Foreign Policy and Regional Multilateralism*, 78–80.
54. “Kathmandu Declaration, 1987,” n.d., http://saarc-sec.org/uploads/digital_library_document/03-Kathmandu-3rdSummit1987.pdf.
55. Arndt, *India's Foreign Policy and Regional Multilateralism*, 104–5.
56. Mussarat Jabeen and Ishtiaq A. Choudhry, “Role of SAARC for Countering Terrorism in South Asia,” *South Asian Studies* 28, no. 2 (1 July 2013): 392.
57. Sandy Gordon, “Regionalism and Cross-Border Cooperation against Crime and Terrorism in the Asia-Pacific,” *Security Challenges* 5, no. 4 (2009): 85, 88.
58. Irum Shaheen, “South Asian Association for Regional Cooperation (SAARC): Its Role, Hurdles and Prospects,” *IOSR Journal of Humanities and Social Science* 15, no. 6 (2013): 3.
59. Malvina Halberstam, “The Evolution of the United Nations Position on Terrorism: From Exempting National Liberation Movements to Criminalizing Terrorism Wherever and by Whomever Committee,” *Columbia Journal of Transnational Law* 41, no. 3 (January 2003): 574.
60. On Algeria, see for instance: Alistair Horne, *A Savage War of Peace: Algeria 1954–1962* (New York: NYRB Classics, 2006). But even the state of Israel had sprung into statehood from a time of struggle marked by terrorist acts, see for instance Bruce Hoffman, *Anonymous Soldiers: The Struggle for Israel, 1917–1947* (New York: Knopf Publishing Group, 2015). Some decades later, Palestinian groups would follow suit, see e.g., Boaz Ganor and Eitan Azani, “Terrorism in the Middle East,” in *The Oxford Handbook of Terrorism*, ed. Erica Chenoweth et al. (Oxford: Oxford University Press, 2019), 568–89.
61. See e.g., Blumenau, *The United Nations and Terrorism*, 103–4.
62. For a more detailed debate on the discussion on the legitimacy of terrorist organisations, see for example Deborah Cook, “Legitimacy and Political Violence: A Habermasian Perspective,” *Social Justice* 30, no. 3 (2003): 108–126.
63. For more information on the negotiation of the Convention and the factors that motivated states to adopt it, see Blumenau, *The United Nations and Terrorism*, 104–114.
64. See for instance when the UN Security Council dealt with the Israeli commando operation in Entebbe in 1976, which saw the risk of intra-state conflict, see Blumenau, *The United Nations and Terrorism*, 69–73. For the 1980s, see also Monika Heupel, “Adapting to Transnational Terrorism: UN Security Council’s Evolving Approach to Terrorism,” *Security Dialogue* 38, no. 4 (December 2007): 485.
65. See for example Juergen Dedring, *The United Nations Security Council in the 1990s* (New York: State University of New York, 2008), 9–91.
66. For details see Blumenau, *The United Nations and Terrorism*, chaps. 4 and 5.
67. *Ibid.*
68. United Nations General Assembly (UNGA), “40/61 Measures to prevent international terrorism which endanger or takes innocent human lives or jeopardizes fundamental freedoms and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes,” *United Nations*, (9 December 1985), operative para. 1, <https://undocs.org/en/A/RES/40/61>.
69. UN Resolution 46/51 “Measures to eliminate international terrorism,” para. 15, <https://undocs.org/en/A/RES/46/51>.
70. Halberstam Malvina, “The Evolution of the United Nations Position on Terrorism: From Exempting National Liberation Movements to Criminalizing Terrorism Wherever and by Whomever Committed,” *Columbia Journal of Transnational Law* 41, (2003): 575.
71. Canada, France, West Germany, Italy, Japan, the United Kingdom and the US.
72. See for instance B. Blumenau, “The Group of 7 and International Terrorism: The Snowball Effect That Never Materialized,” *Journal of Contemporary History* 51, no. 2 (2016): 316–34.
73. For the text of the statement, see for instance “1978 Bonn Summit Statement on Airhijacking,” <http://www.g7.utoronto.ca/summit/1978bonn/hijacking.html> (accessed November 3, 2020).
74. Blumenau, “The Group of 7 and International Terrorism,” 322.
75. James J. Busuttill, “The Bonn Declaration on International Terrorism: A Non-Binding International Agreement on Aircraft Hijacking,” *The International and Comparative Law Quarterly* 31, no. 3 (n.d.): 474–75.
76. It is worth noting that after the Cold War more opportunities occurred for the organisation to take a legally repressive approach to countering terrorism. In this respect, and given the changing dynamics in the Security Council, most notably the improvement of relations between the two veto powers, the USA and Russia, the UN moved to adopt sanctions against Libya, the Sudan and subsequently against the Taliban regime in Afghanistan in the course of its antiterrorism approach. See for instance Victor D. Comras, *Flawed Diplomacy. The United Nations & The War on Terrorism* (Nebraska: Potomac Books, Inc., 2010).
77. See for instance Daniela Richterova, “The Anxious Host: Czechoslovakia and Carlos the Jackal 1978–1986,” *The International History Review* 40, no. 1 (1 January 2018): 108–32; Blumenau, “Unholy Alliance.”